

**REMARKS**

Claims 3, 9-12, 18, and 27-30 are currently pending in the subject application, and are presently under consideration. Claims 1-2, 4-8, 13-17, 19-26 and 31 are being cancelled without prejudice or disclaimer of subject matter. Claims 1-7, 12, 15-17, and 20-26 stand rejected.

Claims 9-11, 18, and 27-30 are objected to as being dependent from a rejected base claim, but have been indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 9-11, 18, and 27 have been so amended. Claims 3 and 12 have also been amended by rewriting such claims into independent form.

Favorable reconsideration of the application is requested in view of the amendments and comments herein.

**I. Interview Summary**

Applicant's representative appreciates the courtesy extended by Examiner Shingleton during a telephone interview on about November 15, 2005. Claims 3, 4, 12 and 25 were discussed relative to U.S. Patent No. 5,416,446 to Holler, Jr. et al. No specific agreement was reached regarding the allowance of such claims. Applicant's representative and Examiner Shingleton discussed that if Applicant rewrote claims 3 and 12 into independent form, Examiner agreed to reconsider the basis for rejection these claims since, as discussed during the telephone interview, Holler does not appear to teach or suggest the subject matter of claims 3 and 12. Accordingly, this response has been prepared based on the discussion with Examiner Shingleton.

**II. Rejection of Claims 1-7, 12, 15-17, and 20-25 under 35 U.S.C. 102(b)**

Claims 1-7, 12, 15-17, and 20-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,416,446 to Holler, Jr. et al. ("Holler").

In view of the amendments to the claims, this rejection is moot as it might apply claims 1-2, 4-7, 15-17, and 20-26.

Regarding claim 3, Holler fails to teach or suggest the claimed relationship between the clock signal and a second signal; namely that the second signal has a substantially fixed frequency that defines a maximum frequency for the clock signal, as recited in claim 3. The Office Action supports Applicant's position since the Office Action fails to cite or reference any teaching in Holler corresponding to the claimed interrelationship. In discussing claim 2 (from which claim 3 originally depended and which has been incorporated into amended claim 3), the Office Action states that "the fixed frequency is the second signal from element 105... and the signal at the output of element 102 would be the first signal." Office Action dated October 5, 2005, at Page 3, lines 6-9. The first signal corresponds to the clock signal and appropriate amendment has been made to claim 3 to correct this typographical error.

An analysis of Holler demonstrates that the crystal oscillator 105 is utilized to set an interval or cycle time for the gated counter 108, and that the frequency of the crystal oscillator 105 is independent of the frequency of the signal from the ring oscillator 102. Thus, even though the output of the oscillator 105 may be at fixed frequency, nothing in Holler teaches or suggests that the oscillator 105 might define a signal having a substantially fixed maximum frequency for the clock signal, as recited in claim 3. Moreover, in the circuitry of Holler, the maximum frequency of the ring oscillator 102 output is established by the impedance of the delay elements 201, 202 and 203. In particular, a minimum frequency of the ring oscillator is provided when transistors 222 and 223 are on (See, *e.g.*, Holler at Col. 2, line 67, through Col. 3, line 2). By contrast, a maximum frequency for the ring oscillator 102 is provided when the BIG, MED and SML banks 204, 207, 210, 213, 216 and 219 are fully activated. This is in sharp contrast to the use of the second signal to define a signal having a substantially fixed maximum frequency for the clock signal, as recited in claim 3. Applicant submits that no knowledge of one of ordinary skill in the art would be able to make up for the above-mentioned deficiencies in Holler. Accordingly, reconsideration and allowance of claim 3 is respectfully requested.

Regarding claim 12, the Office Action further states, "[e]lement 105 would be the second frequency generator of claims like claim 12." Office Action dated October 5, 2005, at Page 3, lines 7-8. Again, as discussed above with respect to claim 3, Holler fails to teach or suggest any relationship between the frequency between the output of the crystal oscillator 105 and the output of the ring oscillator 102, especially not that the particular relationship of claim 12. Since, Holler fails to teach or suggest a frequency generator that provides a second signal having a substantially fixed frequency corresponding to a desired maximum frequency

for the clock signal, as recited in claim 12, reconsideration and allowance of claim 12 is respectfully requested.

For the reasons described above, withdrawal of this rejection of claims 3 and 12 are respectfully requested.

**II. Rejection of Claim 26 under 35 U.S.C. 103(a)**

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Holler, Jr. et al. (5,416,446). This rejection is moot in view of cancellation of claim 26.

**III. Claims indicated as containing allowable subject matter have been rewritten in independent form.**

Claims 9-11, 18, and 27 have been amended into independent form as suggested in the Office Action. Accordingly, allowance of such claims is respectfully requested.

**IV. CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Should the Examiner have any questions concerning this paper, the Examiner is invited and encouraged to contact Applicant's undersigned attorney at (216) 621-2234, Ext. 106.

The Commissioner has been authorized to charge Deposit Account No. 08-2025 fees for three additional independent claims in excess of three. No additional fees should be due for this response. In the event any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 08-2025.

Respectfully submitted,

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